

SECOND REGULAR SESSION

HOUSE BILL NO. 1299

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TROUPE.

Pre-filed December 19, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

3424L.011

AN ACT

To repeal section 559.026, RSMo, and to enact in lieu thereof one new section relating to probation.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 559.026, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 559.026, to read as follows:

559.026. Except in infraction cases, when probation is granted, the court, in addition to conditions imposed [under] **pursuant to** section 559.021, may require as a condition of probation that the defendant submit to a period of detention in an appropriate institution at whatever time or intervals within the period of probation, consecutive or nonconsecutive, the court shall designate. **Any defendant required to serve a period of detention pursuant to this section as a condition of probation shall, without exception, be released immediately upon completion of such detention period.** Any person placed on probation in a county of the first class or second class or in any city with a population of five hundred thousand or more and detained as herein provided shall be subject to all provisions of section 221.170, RSMo, even though he **or she** was not convicted and sentenced to a jail or workhouse.

(1) In misdemeanor cases, the period of detention [under] **pursuant to** this section shall not exceed the shorter of fifteen days or the maximum term of imprisonment authorized for the misdemeanor by chapter 558, RSMo.

(2) In felony cases, the period of detention [under] **pursuant to** this section shall not exceed one hundred twenty days.

(3) If probation is revoked and a term of imprisonment is served by reason thereof, the

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 time spent in a jail, workhouse or other institution as a detention condition of probation shall be
18 credited against the prison or jail term served for the offense in connection with which the
19 detention condition was imposed.